# **Town of Lexington**

#### Motion

# 2019 Annual Town Meeting

# ARTICLE 31 AMEND TOWN BYLAWS TO REDUCE/BAN SINGLE-USE PLASTIC BEVERAGE STRAWS AND STIRRERS (Citizen Article)

**MOTION:** That the Town amend its Code of Bylaws by adding a new Bylaw, Chapter 83, as follows:

Chapter 83. Single-Use Plastic Beverage Straw and Stirrer Reduction

§ 83-1. Purpose and intent.

The purpose of this bylaw is to reduce and eliminate the sale and distribution of Single-Use Plastic Beverage Straws and Stirrers in all Food Establishments, Retail Stores, and Town Buildings and Premises in the Town of Lexington. The production and use of Single-Use Plastic Beverage Straws and Stirrers has detrimental impacts on the environment, is not recyclable in municipal programs, and requires the use of fossil fuel for their manufacture.

By restricting the sale and distribution of Single-Use Plastic Beverage Straws and Stirrers in Lexington and requiring those products to be replaced with Reusable or Compostable products, this bylaw will help protect public health and the natural environment, waterways and wildlife.

§ 83-2. Definitions.

## SINGLE-USE PLASTIC BEVERAGE STRAWS AND STIRRERS

Beverage straws and stirrers made of any type of petroleum-based plastic that cannot be, or are not Compostable and are not intended to be Reusable.

#### **COMPOSTABLE**

Products that are made entirely of organic materials such as wood, paper, bagasse, cellulose or plant-based plastic that meet the American Society for Testing and Materials (ATSM) International Standard D6400, or its replacement, or that are Certified Compostable by the Biodegradable Products Institute (BPI).

## **REUSABLE**

Products that are cleanable and durable and which can be used more than once in their same form.

# FOOD ESTABLISHMENT

Any operation that stores, prepares, packages, serves, vends or otherwise provides food for human consumption, as further defined in the State Food Code, 105 CMR 590.001.

## **RETAIL STORE**

An establishment that offers the sale and display of merchandise within a building.

## TOWN BUILDING OR PREMISES

A building or land owned or used by the Town for municipal or school purposes.

§ 83-3. Use regulations.

Except as expressly set forth in this bylaw, Single-Use Plastic Beverage Straws and Stirrers shall not be distributed or sold at Food Establishments, Retail Stores, or Town Buildings and Premises with a floor area of 10,000 square feet or more in the Town of Lexington on or after January 1, 2020. Single-Use Plastic Beverage Straws and Stirrers shall not be distributed or sold at Food Establishments, Retail Stores, or Town Buildings and Premises with a floor area of less than 10,000 square feet in the Town of Lexington on or after July 1, 2020.

§ 83-4. Exceptions.

A. In the event that compliance with this bylaw is not feasible by January 1, 2020, for a Food Establishment or Retail Store or a Town Building or Premises, (or by July 1, 2020 for Food Establishment or Retail Store or a Town Building or Premises with a floor area less than 10,000 square feet,) because of either unavailability of alternative straws and stirrers or economic hardship, the Town Manager or Town Manager's designee may grant a waiver of not more than six months upon application of the owner or owner's representative. The Town Manager or Town Manager's designee may provide one additional sixmonth waiver upon showing of continued infeasibility or hardship, as set forth above.

B. A Food Establishment or Retail Store or a Town Building or Premises may, when requested and when Reusable or Compostable straws are either not feasible or not available, distribute Single-Use Plastic Straws for persons who request such straws for health-related reasons.

§ 83-5. Enforcement process.

Enforcement of this bylaw shall be the responsibility of the Town Manager or Town Manager's designee. The Town Manager or Town Manager's designee shall determine the inspection process to be followed, incorporating the process into other Town duties as appropriate. Any Food Establishment, Retail Store, or Town Building or Premises selling or distributing Single-Use Plastic Beverage Straws or Stirrers in violation of this bylaw shall be subject to a noncriminal disposition fine as specified in Section 1-6 of the Town Bylaws under MGL c. 40, § 21D. Any such fines shall be paid to the Town of Lexington.

(Revised 3/25/19)